

Board of Commissioners

September 2, 2008 – 8:00 am

Meeting called to order by President Rininger. Commissioners Rininger, Logsdon, Gogel, and Board Attorney Lueken were present.

### Minutes

08/05/2008 Minutes; Logsdon made a motion to approve the minutes. Gogel seconded. All in favor.

08/05/2008 Executive Session Minutes; Gogel made a motion to approve the minutes. Logsdon seconded. All in favor.

08/13/2008 Joint Meeting Minutes; Logsdon requested a change of the wording on page 3. Logsdon made a motion to approve the minutes with the change. Gogel seconded. All in favor.

### Off-road Vehicles

Jeff Vaal and Ray Vaal presented a petition to the commissioners with approximately 650 signatures requesting the commissioners allow the use of off-road vehicles on all county roads. They gave the commissioners copies of information obtained from the DNR website at [www.in.gov/dnr/outdoor/2848.htm](http://www.in.gov/dnr/outdoor/2848.htm). Rininger stated that off-road vehicles are allowed on River Road in the county, but it is a flat road. Logsdon stated that he would like to have time to study the matter. He is concerned about large farm vehicles running the same hilly county roads. Chief Deputy McDurmon stated that he foresaw no additional problem with allowing the off-road vehicles on county roads, because many already do. Discussion was had on the requirements of other states and counties. Councilman Jim Ebert stated that there will always be abusers whether it is legal or not.

Lueken stated that when the county legalized driving off-road vehicles on River Road and CR 1000, the liability to the county was researched. He stated that the insurance company recommended that it not be allowed because there is no protection from the liability. River Road and CR 1000 were designated as “unpaved recreational roads” and the ordinance reads that there is no liability for the county on said “unpaved” roads. Discussion was had on permitting the vehicles and requiring the signing off on the liability. Lueken stated that securing signed releases are difficult and permits may be the way to get the releases.

Logsdon asked Lueken to contact the surrounding counties which allow the use of off-road vehicles and see how they handle the liability issue. Crawford, Orange and Martin Counties were suggested as comparable counties to Spencer.

### Public Safety Building

Discussion was had on the land in which the proposed public Safety building will be built and if the 4-H Association will be allowed to give or lease the land to the county. Logsdon made a motion to have Attorney John Wetherill prepare a legal abstract and opinion on the real estate. Gogel seconded. All in favor.

### Highway Report

CR 300 E – Attorney John Wetherill, representing Scott Steinkamp, asked if CR 300 E could be resurfaced. Superintendent Painter stated that it was on the schedule to be chip and sealed in the next two weeks.

Status on work – Painter said work had begun on Highland Road, CR 1000 N, and Orchard Road.

CEDIT Roads – Painter reported that CEDIT roads CR 300 E and CR 225 E will be started on by next week.

Gas Pump – Painter discussed the confusion as to who is getting how much fuel with highway, sheriff, EMA, and surveyor all fueling at the same place. He said the highway workers write down the pump numbers every time they fuel. Discussion was had on how to better track other users.

Road Bonding – Painter and Lloyd discussed an oil well being put in north of CR 500 N. They stated that the road was not bonded. Painter recommended making the company bond the road. The commissioners asked Painter and Lloyd to contact the company and inform them they must bond the road and get them the papers needed.

### Legal Report

Health Department Bill – Lueken discussed the work he did for the Health Department due to the conflict of interest of their regular attorney. Discussion was had on the Health Department disputing charges by Lueken. Logsdon made a motion to table until a Health Board representative can be present. Gogel seconded. All in favor.

Crider and Crider – Lueken stated that a letter was sent to Crider and Crider regarding the violations of the county road ordinances. They were given until September 5<sup>th</sup> to pay the \$1,606.15 fine. Gogel made a motion

to invite Crider and Crider to come to the meeting on September 16<sup>th</sup> if a check is not sent. Logsdon seconded. All in favor.

Skateboarding Ordinance – Lueken stated that Rockport will be passing a skateboard ordinance and their attorney felt it would cover the county property. Lueken said that the county’s insurance agent would still like the county to pass its own ordinance.

Community Band

Rininger stated that the community band will be performing a concert on the lawn of the courthouse.

Logsdon made a motion to adjourn. Gogel seconded. All in favor. The meeting was adjourned at 11:06 am.

Board of Commissioners,

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President	
Attest:	
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Cindy Shelton, Auditor	

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